

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TONY L. ANIRUDH, on behalf of himself and all	:	<b>ECF Case</b>
others similarly situated, and DIANNE C. ANIRUDH,	:	
on behalf of herself and all others similarly situated,	:	
	:	
Plaintiffs,	:	No. 08 Civ. 03081 (WCC)
	:	
v.	:	<b><u>NOTICE OF MOTION</u></b>
	:	
CITIMORTGAGE, INC.,	:	
	:	
Defendant.	:	
	:	
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**PLEASE TAKE NOTICE** that, upon the annexed complaint, the Affidavit of Kwaku A. Akowuah, Esq., sworn to on August 20, 2008, the Affidavit of Lawrence W. Baumann, sworn to on August 18, 2008, and all papers and proceedings had herein, the undersigned will move this Court, before the Honorable William C. Conner, at the Courthouse located at 300 Quarropas Street, White Plains, NY 10601, on November 11, 2008 at 2:30 P.M., or as soon thereafter as counsel may be heard, for an Order dismissing this action pursuant to Fed. R. Civ. P. 12(b)(1) on the ground that the jurisdictional requirements of the Class Action Fairness Act, 28 U.S.C. § 1332(d), are not met in this case because more than two-thirds of the members of the proposed plaintiff class are citizens of the State of New York, and because CMI is also a New York citizen.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the briefing schedule proposed by the parties and endorsed by the Court on July 21, 2008, any answering papers must be served no later than October 24, 2008.

Dated: August 20, 2008

/s/ Michael O. Ware

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